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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,756	01/17/2002	Mark Leonard Bonko	DN1999165USA	8345

7590 10/28/2003

The Goodyear Tire & Rubber Company  
Patent & Trademark  
Department 823  
1144 East Market Street  
Akron, OH 44316-0001

EXAMINER
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MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 10/28/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/031,756

Examiner

Steven D. Maki

Applicant(s)

BONKO, MARK LEONARD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

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1) This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

2) Claims 1-4 are objected to because of the following informalities:

- in claim 1 "tires section width" should be --tire's section width--

- in claim 1, "the tire (10) when normally inflated and mounted on a rim (30) has the tread width (TW) is greater than or equal to" should be --wherein when the tire is normally inflated and mounted on a rim (30), the tire has the tread width (TW) is greater than or equal to--

- in claim 3, "15" should be --(15)--.

Appropriate correction is required.

3) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4) Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, there is no antecedent basis for "the shoulder buttress". In claim 4 line 1, it is suggested to change "claim 1" to --claim 3--.

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6) **Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain (GB 115945) in view of Rubber Technology and Manufacture (Tyre constructions) and Elastomerics article (How Technological Innovations Have Affected the Tire Industry's Structure").**

Great Britain discloses a pneumatic tire having a carcass and a tread and a pair of sidewalls wherein when the tire is inflated and mounted on a rim, the tread width is greater than the section width of the tire. See figure 1. Great Britain teaches that the sidewalls of the tire are protected from injury by the wide tread. See page 4 lines 31-34. In the illustrated tire, an curved annular concave cavity is formed between the surface of the tread and the maximum section width of the tire. See concave surface under "buttresses 1, 2" in figures 1 and 2. Each sidewall of Great Britain therefore has an annular concavity adjacent to the tread as claimed. Great Britain provides the tread with cavities 12, 13, 14 and 15, which may be endless. See page 5 line 55 to page 6 line 4. Great Britain's tread therefore has circumferential grooves as claimed. Also, Great Britain teaches strengthening and stiffening each tire wall close to the base beads with an endless rubber rib 10, 11. See page 5 lines 16-18. Although Great Britain teaches that the tire may be built in any well known manner with cord (page 5 line 24-26), Great Britain is silent as the carcass comprising two or more bias plies, the first ply having cords oriented substantially equally but opposite relative to the cords of the second ply.

As to claim 1, it would have been obvious to one of ordinary skill in the art to provide Great Britain's tire with a carcass comprising two or more bias plies, the first ply

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having cords oriented substantially equally but opposite relative to the cords of the second ply since (1) Great Britain suggests using any well known tire construction and (2) a bias tire (a pneumatic tire having a carcass comprising two or more bias plies wherein the first ply having cords oriented substantially equally but opposite relative to the cords of the second ply) is a well known type of tire as evidenced by Rubber Technology and Manufacture and Elastomerics article. In claim 1, the description of "pneumatic agricultural tire" and "implement tire" fails to require tire construction not suggested by the above applied prior art.

As to claim 2, it would have been obvious to define Great Britain's annular concavity with a single radius since Great Britain shows that it is curved.

As to claim 3, note the "buttresses" defined by the safety part of the tread 1, 2.

7) **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain (GB 115945) in view of Rubber Technology and Manufacture (Tyre constructions) and Elastomerics article (How Technological Innovations Have Affected the Tire Industry's Structure") as applied above and further in view of Japan '029 (JP 4-153029) or Swan (US 1428817).**

As to claim 4, it would have been obvious to locate an annular groove in the buttress of Great Britain's tire in view of either Japan '029's suggestion to locate annular grooves in a protruding buttress (figure 3) of a tire having improved durability or Swan's teaching to locate annular grooves formed by convex ribs in a buttress region of a tire so that the tire can climb out of ruts.

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Remarks

- 8) The remaining references are of interest.
- 9) No claim is allowed.
- 10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is 703-308-2068. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Steven D. Maki  
October 20, 2003

  
STEVEN D. MAKI 10-20-03  
PRIMARY EXAMINER  
GROUP 1300  
AU 1733